

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RALPH T. WILMAS, JR.,

Plaintiff,

v.

ANNE PRECYTHE, et al.,

Defendants.

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No. 4:20-CV-1020 PLC

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for reconsideration of the Order of Partial Dismissal entered on February 25, 2021. After reviewing plaintiff's motion for reconsideration, brought pursuant to Federal Rule of Civil Procedure 59(e), the Court will deny the motion in its entirety.

Under Rule 59(e), a court may alter or amend a judgment upon a motion filed no later than twenty-eight (28) days after entry of the judgment. Fed. R. Civ. P. 59(e). Rule 59(e) gives the Court power to rectify its own mistakes in the period immediately following the entry of judgment. *White v. N.H. Dep't of Emp't Sec.*, 455 U.S. 445, 450 (1982). Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments that could have been presented prior to judgment. District courts have broad discretion in determining whether to grant a Rule 59(e) motion. *Id.*

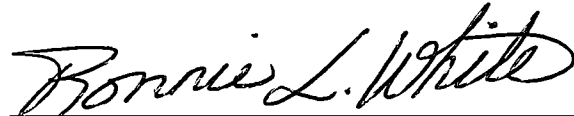
After reviewing the grounds raised by plaintiff, the Court will decline to alter or amend the judgment of this Court. The Court concludes that plaintiff's motion fails to point to any manifest errors of law or fact. Instead, the motion attempts to tender new legal theories relating to the dismissed defendants. Plaintiff is therefore not entitled to reconsideration of the Order of Partial Dismissal, and his motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration of the Order of Partial Dismissal [Doc. #11] is **DENIED**.

IT IS FURTHER ORDERED that an appeal of this Order would not be taken in good faith.

Dated this 26th day of March, 2021.

A handwritten signature in black ink, reading "Ronnie L. White", written in a cursive style. The signature is positioned above a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE